

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5326 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

AMRELI DISTRICT CENTRAL CO-OP BANK LTD.

Versus

DODIA

Appearance:

1. Special Civil Application No. 5326 of 1991
NOTICE SERVED for Petitioner No. 1
MS MANISHA LAVKUMAR, AGP, for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 28/11/2002

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner-bank has challenged the order dated 26-6-1991 (Annexure A) by which the bank was

called upon to remove Mr JR Kikani, the Branch Agent of the petitioner-bank at Babra pending the inquiry in respect of several illegalities and irregularities committed by the Babra branch of the petitioner-bank. The petitioner-bank has also challenged the show cause notice dated 26-6-1991 (Annexure B) issued by the District Registrar of Cooperative Societies, Amreli calling upon the bank to show cause why inquiry should not be conducted under Section 86 of the Gujarat Cooperative Societies Act into certain financial transactions.

2. As far as the challenge to the order dated 26-6-1991 is concerned, while issuing notice on 7-8-1991, this Court recorded the statement of the learned counsel for the petitioner-bank that Mr JR Kikani will not be placed back at Babra branch. Thereupon ad-interim stay of operation and execution of the order at Annexure "A" was granted. Thereafter, the petition was admitted and ad-interim relief was continued on 11-2-1994.

3. It thus appears that the impugned order at Annexure "A" was interpreted as requiring the petitioner-bank to remove Mr JR Kikani from the Babra branch of the petitioner-bank and in that sense the order at Annexure "A" has been carried out.

4. As far as the show cause notice dated 26-6-1991 at Annexure "B" is concerned, certain legal contentions are raised for challenging the said notice. Since the impugned notice is merely a show cause notice and the petitioner-bank will have an opportunity to point out all its defences before the authority including the contention about the jurisdiction of the authority issuing the show cause notice, this Court is not inclined to entertain this petition under Article 226 of the Constitution for interfering with the show cause notice at this stage. Hence challenge to the show cause notice is turned down and the interim relief granted against the proceedings pursuant to the said show cause notice dated 26-6-1991 at Annexure "B" is hereby vacated.

5. The petition is accordingly disposed of in terms of the aforesaid directions.

Rule is discharged with no order as to costs.

(M.S. Shah, J)
zgs/-

